OMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (Modified) REV 11-98) U.S. DEPARTMENT 33083 TRANSMITTAL LETTER THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 PRIORITY DATE CLAIMED INTERNATIONAL FILING DATE INTERNATIONAL APPLICATION NO. 16 September 1997 16 September 1998 PCT/GB98/02802 TITLE OF INVENTION NEW PLANT GENES APPLICANT(S) FOR DO/EO/US COLE, David J.; CUMMINS, Ian; and EDWARDS, Robert Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.  $\boxtimes$ 1. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 2. This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay  $\boxtimes$ 3. examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.  $\boxtimes$ 4. A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) is transmitted herewith (required only if not transmitted by the International Bureau). a. 🛛 has been transmitted by the International Bureau. b. 🗆 is not required, as the application was filed in the United States Receiving Office (RO/US). c. 🗆 A translation of the International Application into English (35 U.S.C. 371(c)(2)). A copy of the International Search Report (PCT/ISA/210). 7. X Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) 8. X are transmitted herewith (required only if not transmitted by the International Bureau). have been transmitted by the International Bureau. b. 🗆 have not been made; however, the time limit for making such amendments has NOT expired. c. 🗆 have not been made and will not be made. d. 🛛 A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. A copy of the International Preliminary Examination Report (PCT/IPEA/409). 11. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 12. (35 U.S.C. 371 (c)(5)). Items 13 to 20 below concern document(s) or information included: An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 13. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 14 15.  $\boxtimes$ A FIRST preliminary amendment. A SECOND or SUBSEQUENT preliminary amendment. 16. A substitute specification. 17. A change of power of attorney and/or address letter. 18. 19.  $\boxtimes$ Certificate of Mailing by Express Mail Other items or information: 20. X Form PCT/RO/101; Form PCT/IB/304; Form PCT/IB/308;a postcard and a check in the amount of \$1,444.

Express Mail No.: EJ594513645US Date of Deposit: Mrch 15, 2000

430 Rec'd PCT/PTO 1 5 MAR 2000

The following fees are submitted:   BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) :   Nicither international prelimitary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.444(a)(2) paid to USPTO   S970.00     International search fee (37 CFR 1.444(a)(2) paid to USPTO   S970.00     International prelimitary examination fee (37 CFR 1.482) nor judic to USPTO   S840.00     International prelimitary examination fee (37 CFR 1.482) nor judic to USPTO   S840.00     International prelimitary examination fee (37 CFR 1.482) nor judic to USPTO   S840.00     International prelimitary examination fee (37 CFR 1.482) nor judic to USPTO   S840.00     International prelimitary examination fee (37 CFR 1.482)   S670.00     International prelimitary examination fee (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.482)   S670.00     International prelimitary examination fee paid to USPTO (37 CFR 1.59 CFR	U.S. APPLICATION NO (15 KNOWN) SET 3 INTERNATIONAL APPLICATION PCT/GB98/02802								S DOCKET NUMBER  B-PCT USA	
Section   Sect	21. The following fees are submitted:.							CALCULATIONS PTO USE ONLY		
international search fee (37 CFR 1.445(a)(2) paid to USPTO and International Search Report not prepared by the EPO or JPO	BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :									
USPTO but Internations Search Report prepared by the EPO or JPO	Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2) paid to USPTO									
but international search fee (37 CFR 1.445(a)(2) paid to USPTO	☐ International USPTO but I	preliminary exami nternation Search I	.00							
but all claims did not satisfy provisions of PCT Article 33(1)-(4)	☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO									
### Such a control of the provisions of PCT Article 33(1)-(4)	☐ International preliminary examination fee paid to USPTO (37 CFR 1.482)									
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).  Total claims  42 -20 = 22	and all claims satisfied provisions of PCT Article 33(1)-(4)								1	
TOTAL NATIONAL FEE  Fee for recording the earliest claimed priority date (37 CFR 1.29 (e)).  TOTAL FEES ENCLOSED  A check in the amount of \$1,444.00  Please charge my Deposit Account No. A duplicate copy of this sheet is enclosed.  NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the above Exal Dane (MacLeod, Ph.D.  SEND ALL CORRESPONDENCE TO:  A Multiple Dependent Claims (check if applicable).  TOTAL OF ABOVE CALCULATIONS = \$1,444.00  SUBTOTAL = \$1,444.00  SUBTOTAL = \$1,444.00  SUBTOTAL = \$1,444.00  Frocessing fee of \$130.00 for furnishing the English translation later than 20 30 4 + \$0.00  TOTAL NATIONAL FEE = \$1,444.00  Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).  SO.00  TOTAL FEES ENCLOSED = \$1,444.00  Amount to be: \$1,444.00  Anount to be: \$1,444.00  Amount to be								\$970.0	0	
Total claims 42 -20 = 22 x \$18.00 \$396.00   Independent claims 4 - 3 = 1 x \$78.00 \$78.00   Multiple Dependent Claims (check if applicable).	Surcharge of \$130.0 months from the ear	0 for furnishing the liest claimed priori	e oath or decla ty date (37 C	aration later than FR 1.492 (e)).	□ 20			\$0.0	0	
Multiple Dependent Claims   4	CLAIMS	NUMBER	FILED	<del></del>	Α				<u> </u>	
Multiple Dependent Claims (check if applicable).	Total claims	42	- 20 =							
TOTAL OF ABOVE CALCULATIONS = \$1,444.00  Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).  SUBTOTAL = \$1,444.00  Processing fee of \$130.00 for furnishing the English translation later than conths from the earliest claimed priority date (37 CFR 1.492 (f)).  TOTAL NATIONAL FEE = \$1,444.00  Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).  TOTAL FEES ENCLOSED = \$1,444.00  TOTAL FEES ENCLOSED = \$1,444.00  Amount to be: refunded: \$ charged \$ \$ charged \$ \$ charged \$ \$ \$ \$ charged \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Independent claims	4	- 3 =	1			<del>'</del> +			
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Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).  TOTAL NATIONAL FEE = \$1,444.00  Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).  TOTAL FEES ENCLOSED = \$1,444.00  Amount to be: refunded: \$ charged \$ \$  A check in the amount of \$1,444.00 to cover the above fees is enclosed.  Please charge my Deposit Account No. in the amount of to cover the above fees.  A duplicate copy of this sheet is enclosed.  The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-4377 A duplicate copy of this sheet is enclosed.  NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.  SEND ALL CORRESPONDENCE TO:  Janet M. MacLeod, Ph.D.  Baker Botts LLP  30 Rockefeller Plaza	must also be filed (	Note 37 CFR 1.9,	1.27, 1.28) (ch	able. Verified Small Entreck if applicable).	illy Stat	ement		\$0.0	0	
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Janet M. MacLeod, Ph.D.  Baker Botts LLP  30 Rockefeller Plaza  Janet M. MacLeod, Ph.D.  NAME						SIGNAT	URE	111.11.00		
30 Rockefeller Plaza	· · · · · · · · · · · · · · · · · · ·					Janet M. MacLeod. Ph. D.				
New York, NY 10112-0228	30 Rockefeller Plaza									
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DATE						DATE				

A33083-PCT USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

COLE, David J. et al.

Serial No.

To be assigned

Filed

16 September 1998

For

**NEW PLANT GENE** 

## **EXPRESS MAIL CERTIFICATION**

Express Mail Mailing No. EJ594513645US

Date of Deposit - March 15, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C., 20231.

Signature of person mailing

correspondence

Name of person mailing correspondence: Leroy Chick